

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESALE
PRICE LITIGATION

MDL NO. 1456

**CIVIL ACTION: 1:01-CV-12257-PBS
1:05-CV-11795-PBS**

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

*State of Florida, et al. v. Alpharma,
Inc., et al.,*

SCHEDULING ORDER

WHEREAS, Ven-A-Care of the Florida Keys, Inc. ("Ven-A-Care") filed an action under the *qui tam* provisions of the Florida False Claims Act, §§ 68.081-68.092, Fla. Stat., under seal in state circuit court for the Second Judicial Circuit, in and for Leon County, Florida. The Relator later amended and served its complaint. On April 5, 2005, the State of Florida filed an intervention complaint.

WHEREAS, on July 20, 2005, Defendants timely removed the action to the United States District Court for the Northern District of Florida, Tallahassee Division. The case was subsequently transferred to MDL 1456 in this Court, and consolidated with Civil Action No. 01-12257-PBS.

WHEREAS, Plaintiffs timely filed a motion for remand in the United States District Court for the Northern District of Florida on August 18, 2005.

WHEREAS, the parties have agreed to the following schedule to rebrief the motion for remand. The parties further have agreed that re-briefing this matter will not render untimely the motion for remand filed by plaintiffs on August 18, 2005. The parties met and conferred, and agreed to the entry of this Order.

IT IS HEREBY ORDERED as follows:

1. Plaintiffs shall file a new memorandum in support of their motion for remand that will replace their brief contained in the file transferred to this Court from the United States District Court for the Northern District of Florida.
2. Plaintiffs' new memorandum in support of their motion for remand shall be filed by September 16, 2005.
3. Defendants shall file an opposition to plaintiffs' motion for remand by October 14, 2005.
4. Further proceedings in Civil Action No. 05cv11795-PBS shall be stayed, including the requirements of Rules 16 and 26, Federal Rules of Civil Procedure, until the Court rules on the motion for remand.

DATED: _____

Patti B. Saris
United States District Judge